

19.1505 Set-aside procedures.

(a) The *contracting officer*-

(1) *Shall* comply with [19.203](#) before deciding to set aside an *acquisition* under the WOSB Program;

(2) *May* set aside *acquisitions* exceeding the *micro-purchase threshold* for competition restricted to EDWOSB *concerns* or WOSB *concerns* eligible under the WOSB Program when the *acquisition*-

(i) Is assigned a NAICS code in which SBA has determined that WOSB *concerns* are underrepresented in Federal *procurement*; or

(ii) Is assigned a NAICS code in which SBA has determined that WOSB *concerns* are substantially underrepresented in Federal *procurement*, as specified on SBA's Web site at <http://www.sba.gov/WOSB>.

(b) For requirements in NAICS codes designated by SBA as underrepresented, a *contracting officer* may restrict competition to EDWOSB *concerns* if the *contracting officer* has a reasonable expectation based on *market research* that-

(1) Two or more EDWOSB *concerns* will submit *offers* for the contract and;

(2) Contract award will be made at a fair and reasonable price.

(c) A *contracting officer* may restrict competition to WOSB *concerns* eligible under the WOSB Program (including EDWOSB *concerns*), for requirements in NAICS codes designated by SBA as substantially underrepresented if there is a reasonable expectation based on *market research* that-

(1) Two or more WOSB *concerns* eligible under the WOSB Program (including EDWOSB *concerns*), will submit *offers* and;

(2) Contract award *may* be made at a fair and reasonable price.

(d) The *contracting officer* may make an award, if only one acceptable *offer* is received from a qualified EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program.

(e) The *contracting officer* must check whether the apparently successful *offeror* filed all the required eligibility documents, and file a status protest if any documents are missing. See [19.1503\(d\)\(2\)](#).

(f) If no acceptable *offers* are received from an EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program, the set-aside *shall* be withdrawn and the requirement, if still valid, *must* be considered for set aside in accordance with [19.203](#) and subpart [19.5](#).

(g) If the *contracting officer* rejects a recommendation by SBA's *Procurement Center Representative*-

(1) The *contracting officer* shall notify the *procurement center* representative as soon as practicable;

(2) SBA *shall* notify the *contracting officer* of its intent to appeal the *contracting officer's* decision no later than five business days after receiving notice of the *contracting officer's* decision;

(3) The *contracting officer shall* suspend further action regarding the *procurement* until the *head of the agency* issues a written decision on the appeal, unless the *head of the agency* makes a written determination that urgent and compelling circumstances which significantly affect the interests of the *United States* compel award of the contract;

(4) Within 15 business days of SBA's notification to the *head of the contracting activity*, SBA *shall* file a formal appeal to the *head of the agency*, or the appeal will be determined withdrawn; and

(5) The *head of the agency*, or designee, *shall* specify *in writing* the reasons for a denial of an appeal brought under this section.

Parent topic: [Subpart 19.15 - Women-Owned Small Business Program.](#)